

# Notice of Allowability

Application No.

10/780,634

Examiner

Bernard E. Souw

Applicant(s)

KATO, YOSHIKI

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/29/2005.
2. ☒ The allowed claim(s) is/are 18-30.
3. ☒ The drawings filed on 19 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer received 03/29/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No: 6,787,767 (application SN 10/239,764) has been reviewed and accepted. The terminal disclaimer has been recorded.

### ***Allowable Subject Matter***

2. Claims 21 and 24, previously rejected under Non-Statutory Double Patenting, are now allowed in view of the submission of the Terminal Disclaimer.

### ***Applicant's Amendment***

3. The Amendment filed 03/29/2005 has been entered. The present Office Action is made with all the arguments being fully considered.

Claim 1 has been amended.

Claims 1-17 have been previously cancelled.

Claims 18-30 remain pending in this office action.

### ***Claim Rejection Withdrawn***

4. Applicant's argument having been found persuasive, i.e., that the fourth step of scanning the main frequency voltage in the present claim 18 is a separate step different

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than the step of scanning the main frequency voltage recited the third step, and hence distinguishes claim 18 from claim 1 of the reference patent. In consequence, the previous rejections of claims 18-20, 22, 23 and 25-30 based on Statutory Double Patenting are now withdrawn.

### ***ALLOWANCE***

5. Claims 18-30 are allowed.

The claims are subsequently renumbered to claims 1-13.

### ***Reasons for Allowance***

6. The following is an examiner's statement of reasons for allowance: ✓

A mass-analyzing method using an ion trap mass spectrometer, comprising a first step of applying a main high frequency voltage for trapping ions of a predetermined mass-to-charge ratio range, a second step of applying a supplementary AC voltage having a plurality of frequency components, a third step of applying a supplementary AC voltage having a plurality of frequency components between said end cap electrodes and scanning said **main** high frequency voltage, said supplementary voltage having a first frequency component with a voltage value (V1) at least high enough to eject ions in resonance, and a second frequency component with a voltage value (V2) high enough to excite ions in resonance but not high enough to eject ions in resonance, followed by a fourth step of scanning the **main** high frequency voltage to eject ions from the mass

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analyzing unit, as recited in claim 18, is neither anticipated nor rendered obvious by any prior art.

Claims 19-30 are also allowed because of its/their dependencies, either directly or indirectly, upon claim 18.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Communications***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571 272 2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

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April 07, 2005

  
JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800